

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:19-CV-27-BO

CURRITUCK COUNTY, NORTH)
CAROLINA,)
Plaintiff,)
v.)
ELIZABETH E. LETENDRE,)
Defendant.)


ORDER

This cause comes before the Court on plaintiff's motion for partial summary judgment on defendant's remaining counterclaims and following the parties' submission of status updates as to related litigation pending in state court.

Although the Court declined to abstain at the outset of this case, its understanding of the ongoing proceedings in state court, at least as of the status updates filed by the parties, has caused the Court to entertain reconsideration of its decision on this issue. *See Tucker v. Specialized Loan Servicing, LLC*, 83 F. Supp. 3d 635, 643 (D. Md. 2015) (district court may raise abstention *sua sponte*); *see also MARTIN v. CREASY*, 360 U.S. 219, 224, 79 S. Ct. 1034, 1037 (1959) ("Reflected among the concerns which have traditionally counseled a federal court to stay its hand are the desirability of avoiding unseemly conflict between two sovereignties"). To that end, the Court will permit the parties to file briefs not later than March 21, 2022, stating their positions on whether the Court should reconsider abstention and, if necessary, its interlocutory order on defendant's declaratory judgment counterclaim.

The Court will therefore DENY plaintiff's pending partial summary judgment motion [DE 91] WITHOUT PREJUDICE to refiling and incorporating the original motion by reference once the Court has considered and addressed the parties' briefing in response to this order.

SO ORDERED, this 3 day of March 2022.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE